

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-20 are all the claims pending in the application. Applicant respectfully submits that the pending claims define patentable subject matter.

I. Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 1-14 and 16-20 are allowed.

II. Prior Art Rejection

Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Case, Jr. et al. (U.S. Patent No. 5,825,350, hereafter "Case"). Applicant respectfully traverses the rejection.

In the Response dated August 24, 2006, it was argued by Applicant that although the Examiner has referred to specific signals and their possible comparative values, there still lacks any teaching or suggestion in Case that such signal values **are used in a determination** of a sensor non-operating condition by comparison with respective first and second values. **The Examiner has merely alleged that the claimed signals are present in Case, however, a *determination of non-operation is not made in Case based on any comparison results between these signals and any particular first or second value.*** Case only generally collects operational data as angular acceleration and determines whether this specific angular acceleration data remains within a specified window by using the window comparator (1808). The specific signal values as defined by the Examiner are never taught or suggested to be used as conditional comparison points to first and second values in a determination of sensor non-operation.

In response, the Examiner asserts:

Applicant is reminded that during patent examination, the pending claims must be “given the broadest reasonable interpretation consistent with the specification.”¹

Applicant respectfully notes that the standard for claim interpretation is not the broadest possible meaning of the claim terms, but rather the broadest *reasonable* interpretation consistent with the specification. See MPEP 2111. Applicant respectfully submits that the Examiner’s interpretation of the claim language is extremely unreasonable.

Case does not teach or suggest determining that the sensor is not operating when an amplitude of the differentiated, low frequency sensor signal is a first value or less, and an amplitude of the low frequency sensor signal is a second value or less as required by claim 15. The Examiner appears to read the claimed first and second signals on an output signal from the differentiator 1806 and an output from the low pass filter 1802 respectively. However, Case simply does not disclose that a signal from the differentiator 1806 and a signal from low pass filter 1802 are used for determining that the sensor is not operating when an amplitude of the differentiated, low frequency sensor signal is a first value or less, and an amplitude of the low frequency sensor signal is a second value or less, as required by claim 15.

The Examiner further asserts:

[T]he prior art clearly discloses whether or not the bias compensation is required for low frequency

¹ Page 2 of the Office Action dated September 28, 2006.

sensor signal currently being output from LPF (figure 18, operation of the bias control from window comparator of low frequency (from frequency cutoff) and differentiated). Since the determination whether the sensor is in operation or not is proportional to the output signal from the sensor and when the x-count indicate movement of less than the minimum threshold amount, if so, the value of x-count (out put filtered signal from sensor) to zero.²

Although the Examiner's position is not entirely clear, it appears that the Examiner continues to broadly allege functions for the signals of the differentiator 1806 and the low pass filter that are neither taught or suggested by Case. Case discloses that a window comparator 1808 ascertains whether an angular acceleration is within a specified window (column 14, lines 6-14). If the angular acceleration remains within the window for a select period of time, a pointing apparatus is assumed to be motionless (column 14, lines 14-20). There is simply no disclosure in Case that the window comparator compares first and second values to determine whether the sensor is operable as required by claim 15.

In view of the above, Applicant respectfully submits that claim 15 should be allowable over Case because the cited reference does not teach or suggest all of the features of the claim.

² Pages 2-3 of the Office Action.

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. PATENT APPLICATION NO.: 10/826,300

Attorney Docket No.: Q80724

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

Date: December 28, 2006